

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

MOTORS INSURANCE
CORPORATION and BIG ISLAND
TOYOTA,

Plaintiffs,

vs.

YOUNG BROTHERS, LIMITED;
JOHN DOES 1-10; JANE DOES 1-10;
and DOE ENTITIES 1-10,

Defendants.

CIVIL NO. CV 04-00724 HG/BMK

DECLARATION OF RANDOLF
L.M. BALDEMOR; EXHIBITS "A" –
"D"

DECLARATION OF RANDOLF L.M. BALDEMOR

I, RANDOLF L.M. BALDEMOR, declare as follows:

1. I am an associate with the law firm of Goodwill Anderson Quinn & Stifel, A Limited Liability Law Partnership LLP, and am one of the counsel of record for Defendant/Cross-Claimant Hawaiian Electric Company ("HECO") in the above-captioned case. I make this declaration based upon personal knowledge and/or upon information and belief.

2. Attached hereto as Exhibit "A" is a true and correct copy of the Complaint filed in *Motors Insurance Corporation et al. v. Young Brothers*,

Limited, Civil No. 1RC04-1-7012 in the District Court of the First Circuit,

Honolulu Division, State of Hawaii on December 1, 2004.

3. Attached hereto as Exhibit "B" is a true and correct copy of the First Amended Complaint filed in *Motors Insurance Corporation et al. v. Young Brothers, Limited et al.*, Civil No. 04-00724 HG BMK in the United States District Court for the District of Hawaii on October 19, 2005.

4. Attached hereto as Exhibit "C" is a true and correct copy of HECO's Answer to First Amended Complaint filed on October 19, 2005 and its Cross-Claim against Cross Claim Defendants American Pacific Transport Co., Ltd. ("APT") and Pirelli Cable North America, Inc. ("Pirelli") filed herein on December 8, 2005.

5. Attached hereto as Exhibit "D" is a true and correct copy of the Entry of Default by Clerk as to Cross Claim Defendants APT and Pirelli filed herein on February 22, 2006.

6. APT and Pirelli have not appeared nor otherwise moved to vacate entry of default against them.

7. On July 17, 2006, the amount of HECO's damages became certain; thus enabling HECO to now move for default judgment against APT and Pirelli. On July 17, 2006, Plaintiffs and HECO agreed to settle Plaintiffs' claims

against HECO for the monetary amount of \$4,500. HECO has incurred costs in this matter in the amount of \$249.75.

I declare the foregoing under penalty of perjury under the laws of the United States.

Executed in Honolulu, Hawaii, on September 19, 2006.

/s/ Randolph L.M. Baldemor

RANDOLF L. M. BALDEMOR